

UNITED STATES OF AMERICA		DO NOT WRITE IN THIS SPACE	
NATIONAL LABOR RELATIONS BOARD		Case	Date filed
CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS		09-CB-162021	OCTOBER 16, 2015
INSTRUCTIONS: File an original of this charge with the NLRB Regional Director of the region in which the alleged unfair labor practice occurred or is occurring.			
1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name UNITED FOOD AND COMMERCIAL WORKERS LOCAL 400		b. Union Representative to Contact (b) (6), (b) (7)(C)	
c. Address 600 D Street #250 South Charleston, WV 25303		d. Tel. No. (b) (6), (b) (7)(C)	e. Cell No.
		f. Fax No.	g. e-Mail
h. The above-named labor organization or its agents have engaged in and are engaging in unfair labor practices within the meaning of section 8(b)(1)(A) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)			
<p>Since about July 1, 2015, the above-named labor organization has failed in its duty to represent employees by failing to conduct meetings with bargaining unit employees and failing to provide bargaining unit employees with information related to the status of the current labor agreement.</p>			
3. Name of Employer Clearon Corp.		4a. Tel. No. (304) 746-3000	4b. Cell No.
		4c. Fax No.	4d. e-Mail
5. Location of Plant involved (street, city, state, and ZIP code) 85 McCorkle Avenue South Charleston, WV 25303		6. Employer representative to contact Michael Struble HR Manager	
7. Type of Establishment (factory, mine, wholesaler) Chemical Manufacturing Plant	8. Principal product or service Powdered Bleach		9. Number of Workers employed 0 75
10. Full name of party filing charge (b) (6), (b) (7)(C)	11a. Tel. No. (b) (6), (b) (7)(C)		11b. Cell No. (b) (6), (b) (7)(C)
	11c. Fax No.		11d. e-Mail (b) (6), (b) (7)(C)
11. Address of party filing charge (street, city, state, and ZIP code) (b) (6), (b) (7)(C)			
12. DECLARATION			
I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.			
(b) (6), (b) (7)(C) (signature of representative or person making charge)		(b) (6), (b) (7)(C), an Individual	
		Tel No.	
Address: (b) (6), (b) (7)(C)		Print/type name and title or office, if any	
		Cell No. (b) (6), (b) (7)(C)	
		Date: 10/9/2015	
		Fax No.	
		e-Mail (b) (6), (b) (7)(C)	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

(b) (6), (b) (7)(C)



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 9
550 MAIN ST
RM 3003
CINCINNATI, OH 45202-3271

Agency Website: www.nlrb.gov
Telephone: (513)684-3686
Fax: (513)684-3946

December 8, 2015

BLAINE TAYLOR
BUTSAVAGE & DURKALSKI, P.C.
1920 L STREET, N.W., SUITE 301
WASHINGTON, DC 20036-5037

Re: UNITED FOOD AND COMMERCIAL
WORKERS LOCAL 400 (Clearon Corp.)
Case 09-CB-162021

Dear Mr. Taylor:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

Garey Edward Lindsay
Regional Director

cc: (b) (6), (b) (7)(C) - UNITED FOOD AND COMMERCIAL WORKERS
LOCAL 400 - 600 D ST STE 250 - SOUTH CHARLESTON, WV 25303-3118

(b) (6), (b) (7)(C)

MICHAEL STRUBLE, HR REPRESENTATIVE - CLEARON CORP.
95 MCCORKLE AVE SW - SOUTH CHARLESTON, WV 25303-1411

KEVIN L. CARR - SPILMAN, THOMAS & BATTLE, PLLC
PO BOX 273 - CHARLESTON, WV 25321-0273

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD		DO NOT WRITE IN THIS SPACE	
CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS		Case 09-CB-143238	Date filed December 19, 2014
INSTRUCTIONS: File an original of this charge with the NLRB Regional Director of the region in which the alleged unfair labor practice occurred or is occurring.			
1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name UNITED FOOD AND COMMERCIAL WORKERS, LOCAL 400, AFL-CIO		b. Union Representative to Contact CHUCK MILLER	
c. Address 405 Capitol St Ste 808 Charleston, WV 25301-1730		d. Tel. No. (304)459-3400	e. Cell No. (304)629-2864
		f. Fax No.	g. e-Mail cmiller@local400.org
h. The above-named labor organization or its agents have engaged in and are engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (1)(A) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)			
<p>Since about December 8, 2014 the above-named labor organization has failed to meet its duty of fair representation to employees who will retire in failing to enforce contract provisions regarding insurance benefits for retiree's spouse.</p>			
3. Name of Employer CLEARON CORP		4a. Tel. No. 304-746-3000	4b. Cell No.
		4c. Fax No. (304)744-7694	4d. e-Mail
5. Location of Plant involved (street, city, state, and ZIP code) 95 MacCorkle Ave SW, South Charleston, WV 25303-1411		6. Employer representative to contact MIKE STRUBLE	
7. Type of Establishment (factory, mine, wholesaler) factory	8. Principal product or service bleach		9. Number of Workers employed 70
10. Full name of party filing charge (b) (6), (b) (7)(C)		11a. Tel. No.	11b. Cell No. (b) (6), (b) (7)(C)
		11c. Fax No.	(b) (6), (b) (7)(C)
11. Address of party filing charge (street, city, state, and ZIP code) (b) (6), (b) (7)(C)			
12. DECLARATION			
I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.			
(b) (6), (b) (7)(C)		Tel No.	
(b) (6), (b) (7)(C)		(b) (6), (b) (7)(C)	
Charge)		Print type name and title of office, if any	
(b) (6), (b) (7)(C)		Cell No. (b) (6), (b) (7)(C)	
		Date: 12/16/14	Fax No. (b) (6), (b) (7)(C)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary, however, failure to supply the information will cause the NLRB to decline to invoke its processes.

(b) (6), (b) (7)(C)



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 9
550 MAIN ST
RM 3003
CINCINNATI, OH 45202-3271

Agency Website: www.nlrb.gov
Telephone: (513)684-3686
Fax: (513)684-3946

February 26, 2015

(b) (6), (b) (7)(C)

Re: UNITED FOOD AND COMMERCIAL
WORKERS, LOCAL 400, AFL-CIO
(Clearon Corp.)
Case 09-CB-143238

Dear (b) (6), (b) (7)(C):

We have carefully investigated and considered your charge that UNITED FOOD AND COMMERCIAL WORKERS, LOCAL 400, AFL-CIO has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge because the charge was filed outside the period set forth in Section 10(b) of the Act.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals. If you appeal, you may use the enclosed Appeal Form, which is also available at www.nlrb.gov. However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax or email. To file an appeal electronically, go to the Agency's website at www.nlrb.gov, click on **E-File Documents**, enter the **NLRB Case Number**, and follow the detailed instructions. To file an appeal by mail or delivery service, address the appeal to the **General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1099 14th Street, N.W., Washington D.C. 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

Appeal Due Date: The appeal is due on **March 12, 2015**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than March 11, 2015. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before March 12, 2015**. The request may be filed electronically through the *E-File Documents* link on our website www.nlrb.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after March 12, 2015, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

/s/ Garey Edward Lindsay

Garey Edward Lindsay
Regional Director

Enclosure

cc: Chuck Miller, United Food and Commercial Workers, Local 400, AFL-CIO
405 Capitol St. Ste 808, Charleston, WV 25301-1730

Carey R. Butsavage, Esq., Butsavage & Durkalski, P.C., 1920 L Street, N.W.,
Suite 301, Washington, DC 20036-5037

Mike Struble, Clearon Corp, 95 MacCorkle Ave SW, South Charleston, WV 25303-1411

Kevin L. Carr, Esq., Spilman, Thomas & Battle, PLLC, PO Box 273,
Charleston, WV 25321-0273

Alyesha A. Dotson, Spilman Thomas & Battle, PLLC, PO Box 273,
Charleston, WV 25321-0273

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
09-CA-143235	December 19, 2014

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer CLEARON CORP		b. Tel. No. (304)746-3000
		c. Cell No.
d. Address (street, city, state ZIP code) 95 MacCorkle Ave SW South Charleston, WV 25303-1411	e. Employer Representative MIKE STRUBLE	f. Fax No. (304)744-7694
		g. e-Mail
		h. Dispute Location (City and State) SOUTH CHARLESTON, WV
i. Type of Establishment (factory, nursing home, hotel) factory	j. Principal Product or Service bleach	k. Number of workers at dispute location 70

l. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (5) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

On about December 8, 2014 the above-named employer unilaterally changed health insurance benefits for current and future retiree's spouses.

(b) (6), (b) (7)(C) zation, give full name, including local name and number)

4a. Address (street and number, city, state, and ZIP code)

(b) (6), (b) (7)(C)

4b. Tel. No.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

4d. Fax No.

(b) (6), (b) (7)(C)

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) **UFCW LOCAL 400**

UNITED FOOD AND COMMERCIAL WORKERS LOCAL 400

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Tel. No.

(b) (6), (b) (7)(C)

Office, if any, Cell No.

Fax No.

(b) (6), (b) (7)(C)

Address

Date

12/16/14

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT

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(b) (6), (b) (7)(C)



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 9
550 MAIN ST
RM 3003
CINCINNATI, OH 45202-3271

Agency Website: www.nlrb.gov
Telephone: (513)684-3686
Fax: (513)684-3946

February 26, 2015

(b) (6), (b) (7)(C)

Re: CLEARON CORP
Case 09-CA-143235

Dear (b) (6), (b) (7)(C)

We have carefully investigated and considered your charge that CLEARON CORP has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge because the charge was filed outside the period set forth in Section 10(b) of the Act.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals. If you appeal, you may use the enclosed Appeal Form, which is also available at www.nlrb.gov. However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax or email. To file an appeal electronically, go to the Agency's website at www.nlrb.gov, click on **E-File Documents**, enter the **NLRB Case Number**, and follow the detailed instructions. To file an appeal by mail or delivery service, address the appeal to the **General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1099 14th Street, N.W., Washington D.C. 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

Appeal Due Date: The appeal is due on **March 12, 2015**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than March 11, 2015. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an

extension of time is **received on or before March 12, 2015**. The request may be filed electronically through the *E-File Documents* link on our website www.nlr.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after March 12, 2015, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

/s/ Garey Edward Lindsay

Garey Edward Lindsay
Regional Director

Enclosure

cc: Mike Struble
Clearon Corp
95 MacCorkle Ave SW
South Charleston, WV 25303-1411

Kevin L. Carr, Esq.
Spilman, Thomas & Battle, PLLC
PO Box 273
Charleston, WV 25321-0273

Alyesha A. Dotson
Spilman Thomas & Battle, PLLC
PO Box 273
Charleston, WV 25321-0273

INTERNET
FORM NLRB-508
(2-08)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST LABOR ORGANIZATION
OR ITS AGENTS

FORM EXEMPT UNDER 44 U.S.C. 3512

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
09-CB-088423	August 31, 2012

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT

a. Name	b. Union Representative to contact
Local 400 AFL-CIO	Chuck Miller
United Food & Commercial Workers Union	
c. Address (Street, city, state, and ZIP code)	d. Tel. No.
412 Tenn. Ave. Charleston W.V.	304-343-7682
	e. Cell No.
	304-629-2864
	f. Fax No.
	g. e-Mail

h. The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsection(s) 1 A of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) \$
 The Union will not give the employees a signed copy of the contract that was passed on 12/3/11

* The Reason for a signed copy is due to the Union & the Co. have contracts that don't match

3. Name of Employer	4a. Tel. No.	b. Cell No.
Clearon Corp	304-746-3000	
	c. Fax No.	d. e-Mail

5. Location of plant involved (street, city, state and ZIP code)	6. Employer representative to contact
95 McCook Ave So. Chas. W.V.	Mike Struble
7. Type of establishment (factory, mine, wholesaler, etc.)	8. Number of workers employed
Factory	73 Union employees
9. Identify principal product or service	
Bleach	

10. Full name of party filing charge	11a. Tel. No.	b. Cell No.
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)
	c. Fax No.	d. e-Mail
		(b) (6), (b) (7)(C)

11. Address of party filing charge (street, city, state and ZIP code)
(b) (6), (b) (7)(C)

12. Declaration (b) (6), (b) (7)(C)	13. Tel. No.	b. Cell No.
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)
	c. Fax No.	d. e-Mail
		(b) (6), (b) (7)(C)
Address (b) (6), (b) (7)(C)	(date) 8/30/12	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT

PRIVACY ACT STATEMENT

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UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 9
550 MAIN ST
RM 3003
CINCINNATI, OH 45202-3222

Agency Website: www.nlr.gov
Telephone: (513)684-3686
Fax: (513)684-3946

October 17, 2012

JEFFREY DANIEL LEWIS, ESQ.,
GENERAL COUNSEL
UNITED FOOD & COMMERCIAL
WORKERS UNION, LOCAL 400
4301 GARDEN CITY DR, STE 400
LANDOVER, MD 20785-6103

Re: UNITED FOOD AND COMMERCIAL
WORKERS UNION, LOCAL 400,
AFL-CIO (Clearon Corp)
Case 09-CB-088423

Dear Mr. Lewis:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

Gary W. Muffley
Regional Director

cc: CHUCK MILLER, UNITED FOOD AND COMMERCIAL WORKERS, LOCAL 400,
AFL-CIO, 405 CAPITAL STREET, SUITE 808, CHARLESTON, WV 25301

JAMES WOODROW STEWART, 12 MOUNTAIN TOP CIR,
SOUTH CHARLESTON, WV 25309-9642

MIKE STRUBLE, CLEARON CORP, 95 MCCORKLE AVENUE,
SOUTH CHARLESTON, WV 25309

KEVIN L. CARR, ESQ., SPILMAN, THOMAS & BATTLE, PLLC,
300 KANAWHA BOULEVARD, P.O. BOX 273, CHARLESTON, WV 25321-0273

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
PETITION

FORM EXEMPT UNDER 44 U.S.C.

DO NOT WRITE IN THIS SPACE

Case No.

Date Filed

9-RC-061271

July 15, 2011

INSTRUCTIONS: Submit an original of this Petition to the NLRB Regional Office in the Region in which the employer concerned is located.

The Petitioner alleges that the following circumstances exist and requests that the NLRB proceed under its proper authority pursuant to Section 9 of the NLRA.

1. PURPOSE OF THIS PETITION (If box RC, RM, or RD is checked and a charge under Section 8(b)(7) of the Act has been filed involving the Employer named herein, the statement following the description of the type of petition shall not be deemed made.) (Check One)
- ☒ **RC-CERTIFICATION OF REPRESENTATIVE** - A substantial number of employees wish to be represented for purposes of collective bargaining by Petitioner and Petitioner desires to be certified as representative of the employees.
- ☐ **RM-REPRESENTATION (EMPLOYER PETITION)** - One or more individuals or labor organizations have presented a claim to Petitioner to be recognized as the representative of employees of Petitioner.
- ☐ **RD-DECERTIFICATION (REMOVAL OF REPRESENTATIVE)** - A substantial number of employees assert that the certified or currently recognized bargaining representative is no longer their representative.
- ☐ **UD-WITHDRAWAL OF UNION SHOP AUTHORITY (REMOVAL OF OBLIGATION TO PAY DUES)** - Thirty percent (30%) or more of employees in a bargaining unit covered by an agreement between their employer and a labor organization desire that such authority be rescinded.
- ☐ **UC-UNIT CLARIFICATION** - A labor organization is currently recognized by Employer, but Petitioner seeks clarification of placement of certain employees: (Check one) ☐ In unit not previously certified. ☐ In unit previously certified in Case No. _____
- ☐ **AC-AMENDMENT OF CERTIFICATION** - Petitioner seeks amendment of certification issued in Case No. _____. Attach statement describing the specific amendment sought.

2. Name of Employer Clearon Corporation		Employer Representative to contact Scott Johnson	Tel. No. 304-746-4155
3. Address(es) of Establishment(s) involved (Street and number, city, State, ZIP code) 95 MacCorkle Ave., S.W. South Charleston, WV 25303			Fax No. 304-744-7694
4a. Type of Establishment (Factory, mine, wholesaler, etc.) Factory	4b. Identify principal product or service Chemicals		Cell No. e-Mail
5. Unit involved (In UC petition, describe present bargaining unit and attach description of proposed clarification.) Included Store Room Department Technicians and employees Excluded All other employees			6a. Number of Employees in Unit: Present 2 Proposed (By UC/AC) 6b. Is this petition supported by 30% or more of the employees in the unit? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No *Not applicable in RM, UC, and AC

(If you have checked box RC in 1 above, check and complete EITHER item 7a or 7b, whichever is applicable)

7a. <input type="checkbox"/> Request for recognition as Bargaining Representative was made on (Date) <u>May 26, 2011</u> and Employer declined recognition on or about (Date) <u>June 2011</u> (If no reply received, so state).	
7b. <input type="checkbox"/> Petitioner is currently recognized as Bargaining Representative and desires certification under the Act.	
8. Name of Recognized or Certified Bargaining Agent (If none, so state.) None	
Affiliation	
Address	
Tel. No.	
Date of Recognition or Certification	
Fax No.	
e-Mail	
Cell No.	
9. Expiration Date of Current Contract. If any (Month, Day, Year)	
10. If you have checked box UD in 1 above, show here the date of execution of agreement granting union shop (Month, Day and Year)	
11a. Is there now a strike or picketing at the Employer's establishment(s) involved? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
11b. If so, approximately how many employees are participating?	
11c. The Employer has been picketed by or on behalf of (Insert Name) _____, a labor organization, of (Insert Address) _____ Since (Month, Day, Year) _____	

12. Organizations or individuals other than Petitioner (and other than those named in items 8 and 11c), which have claimed recognition as representatives and other organizations and individuals known to have a representative interest in any employees in unit described in item 5 above. (If none, so state)

Name	Address	Tel. No.	Fax No.
None		Cell No.	e-Mail

13. Full name of party filing petition (If labor organization, give full name, including local name and number)

United Food and Commercial Workers Union, Local 400

14a. Address (street and number, city, state, and ZIP code)
Suite 400, 4301 Garden City Drive, Landover MD 20785

14b. Tel. No. EXT
301-459-3400

14c. Fax No.
301-459-2780

14d. Cell No.

14e. e-Mail

15. Full name of national or international labor organization of which Petitioner is an affiliate or constituent (to be filled in when petition is filed by a labor organization)

I declare that I have read the above petition and that the statements are true to the best of my knowledge and belief.

Name (Print) Charles S. Miller	Signature <i>Charles S. Miller</i>	Title (if any) Member Activity Director
Address (street and number, city, state, and ZIP code) 412 Tennessee Ave., Charleston WV 25302		Tel. No. 304-629-2864
		Fax No. 304-346-9670
		Cell No.
		e-Mail

WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

REGION 9

CLEARON CORPORATION

Employer

and

UNITED FOOD AND COMMERCIAL WORKERS
UNION, LOCAL 400

Petitioner

Date Filed

Case No. 9-RC-061271

7/15/2011

Date Issued FRIDAY, AUGUST 26, 2011

Type of Election
(Check one:)

(If applicable check
either or both:)

- ☒ Stipulation
☐ Board Direction
☐ Consent Agreement
☐ RD Direction
Incumbent Union (Code)

- ☐ 8(b) (7)
☐ Mail Ballot

NONE

TALLY OF BALLOTS

The undersigned agent of the Regional Director certifies that the results of the tabulation of ballots cast in the election held in the above case, and concluded on the date indicated above, were as follows:

1. Approximate number of eligible voters 2
2. Number of Void ballots 0
3. Number of Votes cast for PETITIONER 2
4. Number of Votes cast for
5. Number of Votes cast for
6. Number of Votes cast against participating labor organization(s) 0
7. Number of Valid votes counted (sum of 3, 4, 5, and 6) 2
8. Number of Challenged ballots 0
9. Number of Valid votes counted plus challenged ballots (sum of 7 and 8) 2
10. Challenges are (not) sufficient in number to affect the results of the election.
11. A majority of the valid votes counted plus challenged ballots (Item 9) has (not) been cast for UNITED FOOD AND
COMMERCIAL WORKERS UNION, LOCAL 400

For the Regional Director

Eric Gill

The undersigned acted as authorized observers in the counting and tabulating of ballots indicated above. We hereby certify that the counting and tabulating were fairly and accurately done, that the secrecy of the ballots was maintained, and that the results were as indicated above. We also acknowledge service of this tally.

(b) (6), (b) (7)(C)

For [Redacted]

(b) (6), (b) (7)(C)

For [Redacted]

For

For

**UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
REGION 09**

<p>CLEARON CORPORATION</p> <p style="text-align: center;">Employer</p> <p style="text-align: center;">and</p> <p>UNITED FOOD AND COMMERCIAL WORKERS UNION, LOCAL 400</p> <p style="text-align: center;">Petitioner</p>	<p>Case 09-RC-061271</p>
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TYPE OF ELECTION: STIPULATED

CERTIFICATION OF REPRESENTATIVE

An election has been conducted under the Board's Rules and Regulations. The Tally of Ballots shows that a collective-bargaining representative has been selected. No timely objections have been filed.

As authorized by the National Labor Relations Board, it is certified that a majority of the valid ballots have been cast for

UNITED FOOD AND COMMERCIAL WORKERS UNION, LOCAL 400

and that it is the exclusive collective-bargaining representative of the employees in the following appropriate unit.

Unit: All full-time and regular part-time stores technicians in the stores department employed by the Employer at its 95 MacCorkle Avenue, SW, Charleston, West Virginia facility, but excluding all other employees and all professional employees, guards and supervisors as defined in the Act.



September 6, 2011

/s/ Gary W. Muffley

Gary W. Muffley

Regional Director, Region 09

National Labor Relations Board

NOTICE OF BARGAINING OBLIGATION

In the recent representation election, a labor organization received a majority of the valid votes cast. Except in unusual circumstances, unless the results of the election are subsequently set aside in a post-election proceeding, the employer's legal obligation to refrain from unilaterally changing bargaining unit employees' terms and conditions of employment begins on the date of the election.

The employer is not precluded from changing bargaining unit employees' terms and conditions during the pendency of post-election proceedings, **as long as** the employer (a) gives sufficient notice to the labor organization concerning the proposed change(s); (b) negotiates in good faith with the labor organization, upon request; and (c) good faith bargaining between the employer and the labor organization leads to agreement or overall lawful impasse.

This is so even if the employer, or some other party, files objections to the election pursuant to Section 102.69 of the Rules and Regulations of the National Labor Relations Board (the Board). If the objections are later overruled and the labor organization is certified as the employees' collective-bargaining representative, the employer's obligation to refrain from making unilateral changes to bargaining unit employees' terms and conditions of employment begins on the date of the election, not on the date of the subsequent decision by the Board or court. Specifically, the Board has held that, absent exceptional circumstances,¹ an employer acts at its peril in making changes in wages, hours, or other terms and conditions of employment during the period while objections are pending and the final determination about certification of the labor organization has not yet been made.

It is important that all parties be aware of the potential liabilities if the employer unilaterally alters bargaining unit employees' terms and conditions of employment during the pendency of post-election proceedings. Thus, typically, if an employer makes post-election changes in employees' wages, hours, or other terms and conditions of employment without notice to or consultation with the labor organization that is ultimately certified as the employees' collective-bargaining representative, it violates Section 8(a)(1) and (5) of the National Labor Relations Act since such changes have the effect of undermining the labor organization's status as the statutory representative of the employees. This is so even if the changes were motivated by sound business considerations and not for the purpose of undermining the labor organization. As a remedy, the employer could be required to: 1) restore the status quo ante; 2) bargain, upon request, with the labor organization with respect to these changes; and 3) compensate employees, with interest, for monetary losses resulting from the unilateral implementation of these changes, until the employer bargains in good faith with the labor organization, upon request, or bargains to overall lawful impasse.

¹ Exceptions may include the presence of a longstanding past practice, discrete event, or exigent economic circumstance requiring an immediate response.